

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**LARRY D. SMITH, SR.,** : **CIVIL ACTION NO. 1:04-CV-2231**

**Plaintiff** : **(Judge Conner)**

**v.** :

**ABF FREIGHT SYSTEMS, INC.,** :

**Defendant** :

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**LARRY D. SMITH, SR.,** : **CIVIL ACTION NO. 1:05-CV-1194**

**Plaintiff** : **(Judge Kane)**

**v.** :

**ABF FREIGHT SYSTEMS, INC.,** :

**Defendants** :

**ORDER**

AND NOW, this 24th day of January, 2006, upon consideration of plaintiff's concurred-in motion (Doc. 21) to consolidate the above-captioned actions, filed in the case docketed as Civil Action No. 1:05-CV-1194, and it appearing that the above-captioned actions involve the same parties, arise from the same underlying events and involve common questions of fact and law,<sup>1</sup> see FED. R. CIV. P. 42(a), it is hereby ORDERED that:

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<sup>1</sup> The court previously consolidated Civil Action No. 1:04-CV-2816 with Civil Action No. 1:04-CV-2231. (See Civil Action No. 1:04-CV-2231, Doc. 5 (order of court dated February 22, 2005)).

1. The motion to consolidate (Doc. 21), filed in the case docketed as Civil Action No. 1:05-CV-1194, is GRANTED.
  - a. The above-captioned cases are CONSOLIDATED for all purposes.
  - b. The Clerk of Court is directed to CONSOLIDATE the case docketed as Civil Action No. 1:05-CV-1194 into the case docketed as Civil Action No. 1:04-CV-2231 and to CLOSE the case docketed as Civil Action No. 1:05-CV-1194.
2. All future documents filed in this consolidated case shall be filed under the case docketed as Civil Action No. 1:04-CV-2231.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge